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## GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

### ORDER

The 22nd December, 2023

**Subject: Extension of the validity period of the Select List for the post of Junior Assistant published vide Notification No.19/OSSC., dated the 16th January, 2001.**

No.38296—GAD-FE-OSSC-0014/2023/Gen.—**WHEREAS**, the petitioner, Sri Prasanta Kumar Pati was selected as Junior Assistant, placed at Sl. No. 32 of the select list published by Odisha Staff Selection Commission vide Notification No.19/OSSC., dated the 16th January, 2001 and sponsored to the Office of the Industrial Tribunal, Rourkela pursuant to Advertisement No.2656/OSSC., dated the 26th December, 1998 for appointment.

**ANDWHEREAS**, the Presiding Officer, Industrial Tribunal, Rourkela returned the Bio-data of the petitioner vide letter No.178/IT. dated the 30th March, 2001 citing the reason that the vacant post of Junior Assistant had been abolished.

**ANDWHEREAS**, being aggrieved, Sri Pati had filed OA No.74 of 2002 before the Hon'ble OAT, Bhubaneswar. In the aforesaid OA, Presiding Officer, Industrial Tribunal, Rourkela is OP No.1, Chief Secretary as OP No.2, Secretary, OSSC as OP No.3 and Chairman, OSSC as OP No.4.

**ANDWHEREAS**, it reveals from the Counter Affidavit filed by OSSC that the validity period of the select list was expired and OSSC had requested the Government to extend the validity period of the select list for one more year. Accordingly, Government had extended the same till dated 14th January, 2003. Since no appointment was given to the petitioner, the select list got expired again.

**ANDWHEREAS**, on abolition of OAT, the case was transferred to the Hon'ble High Court of Orissa. The Hon'ble Court has disposed of the case vide order No.9, dated the 4th September, 2023 with following orders.

***"xxx Having heard learned counsel for the parties, taking into account the submissions made and the stand taken in the Counter affidavit so filed by Opposite Party No.1, this Court while disposing of the writ petition, direct OP No.1 to allow the petitioner to join as against the vacant post of Junior Assistant within a period of two (2) weeks from today. The petitioner is directed to submit his joining along with a copy of this order before Opposite Pe No.1 for compliance. xxx".***

**ANDWHEREAS**, meanwhile, the validity period ()l' the ,elect list dated 16th January, 2001 has already been expired as per the Provision under rule-15(3) of OSSC Rules, 1993.

**ANDWHEREAS**, rule-17 of the OSSC Rules, 1993 speaks as "**Where the Government are of opinion that it is necessary or expedient to do so, they may by order and for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons in public interest".**

**ANDWHEREAS**, Secretary, OSSC has requested to extend the validity period of the select list published vide Notification No.19/OSSC, dated the 16th January, 2001 for timely compliance of the orders of the Hon'ble High Court of Orissa and to avoid contempt in the case vide Letter No.3734/OSSC, dated the 16th September, 2023.

**ANDWHEREAS**, views of the Law Department was obtained. Law Department has advised to comply the aforesaid orders of Hon'ble High Court of Orissa.

**ANDWHEREAS**, as it involves service matter, views of the Service Condition Branch was also obtained. In response, Service Condition Branch have submitted the following views:-

**"Law Department has opined to implement the orders of Hon'ble High Court dated 4th September, 2023 where It is ordered to accept the joining letter of the petitioner against post of Jr. Asst recruited by OSSC during 2001. As such the A/D may be advised to comply the orders of HHC since no other alternative is left in this case which is more than twenty years old."**

**NOW, THEREFORE**, after careful consideration, Government have been pleased to relax the provisions of sub-rule (3) of rule-15 of Odisha Staff Selection

Commission Rules, 1993 by invoking the powers conferred under rule-17 of the OSSC Rules, 1993 to extend the validity period of the Select List published by the Odisha Staff Selection Commission vide Notification No.19/OSSC., dated the 16th January, 2001 till **31st January, 2024.**

**ORDER-** Ordered that this order shall be published in the Extraordinary issue of the *Odisha Gazette* for general information.

By Order of the Governor

DEBABRATA MALLICK

Additional Secretary to Government